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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/987,740 12/09/97 BOYER

F UV-29

WM51/1030

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EXAMINER

VAUGHN JR, W

ART UNIT

PAPER NUMBER

2152

DATE MAILED:

10/30/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/987,740

Applicant(s)  
Boyer et al.

Examiner  
William. C. Vaughn, Jr.

Group Art Unit  
2152



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-60 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-60 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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Art Unit: 2756

### DETAILED ACTION

1. This Action is in response to the Amendment and Reply received on 27 January 2000.

#### *Response to Arguments*

2. Applicant's arguments and amendments filed on 27 January 2000 have been carefully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained herebelow, necessitated by Applicant's substantial amendment to the claims which significantly affected the scope thereof.
3. This application has been examined. **Original claims 1-60** are pending. The objections and rejections cited are as stated below.

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-60** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al. (Schein), U.S. Patent No. 6,002,394 in view of Payne et al. (Payne), U.S. Patent No. 6,021,433.

Art Unit: 2756

6. Regarding **independent claims 1 and 20**, Schein discloses the invention substantially as claimed (e.g. as in exemplary **independent claim 1**). Schein discloses an internet television program guide reminder system for providing reminders of scheduled television events to a user at a multimedia system over the Internet comprising a web server for providing web pages of television program listings over the Internet, wherein the web server provides the user with an opportunity to select a television program from the television program listings web pages provided over the Internet, and sends the reminder to the multimedia system over the Internet to remind the user when that television program is to be broadcast [see Schein, Col. 2, lines 20-67, Col. 9, lines 21-67, Col. 15, lines 58-67 and Col. 16, lines 1-14]. However, Schein does not explicitly disclose that the reminders of scheduled television events are done through e-mail reminders. Eventhough, Schein does discloses the utilization of email notifications as well as sending outgoing messages to other television views or users connected to the television schedule system, e.g. users on the Internet [see Schein, Figs. 19A-19C, Col. 23, lines 19-36], so it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have allowing for users of Internet television as taught by Schein to have including a system that allowed for the reminder of television events through the use of e-mail, since Schein provides for the teachings of scheduling and notifying of different television events through the internet.

7. In the same field of endeavor, Payne discloses in an analogous art (e.g. system and method for broadcast notifications to users). Payne discloses sending email reminders (Payne teaches a

Art Unit: 2756

system in which a user may specify which types of events it would like to be notified of (i.e. sports, news) through e-mail alerts that may also be scheduled at specific times, [see Payne, Col. 19, lines 64-67, Col. 20, lines 1-13].

8. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Payne's teachings of a system and method for broadcast notification to users with the teachings of Schein for the purpose of providing up to the minute notification information to users through the use of a web server for news, sports, financial stories, premium and special event fees (pay per view events), advertisement/promotions, graphic, sound, and scheduled updates. And since these notifications may occur the a television signal as well as a pay per view environment [see Payne, Col. 19, lines 64-67 and Col. 20, lines 1-12], the motivation to combine would have been obvious to one of ordinary skill in the networking art. By this rationale **independent claims 1 and 20.**

9. **Dependent claims 2-19 and 21-60**, recite features which are common in the networking art and are taught within the figures of Schein-Payne. Further regarding the limitations of wherein the web pages provide an e-mail reminder option which the user selects to order e-mail reminders and wherein the web server presents a how often web page when the how often option is selected wherein the web pages provide a view current reminders option which the user selects to receive a list of current e-mail reminder orders and wherein the web pages provide a new reminders option which the user selects to order an e-mail reminder message by entering a program title (It would have been obvious to one of ordinary skill in the networking art at the time the invention was

Art Unit: 2756

made for Schein-Payne to have provided for an additional option for teaches numerous options for view current reminders, new reminders, since the programming options of scheduled events are explicitly taught in Schein-Payne [see Schein, Col. 15, lines 58-67 and Col. 16, lines 1-14].

10. It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations which define the operation and apparatus of Applicant's disclosed invention in manner which distinguishes over the prior art. Eventhough it is Applicant's right to claim as broadly as possible their invention. It is also the Examiner's right to interpret the claim language as broadly as possible. It is advised that, in order to further expedite the prosecution of the application in response to this action, Applicant should amend the base claims to describe in more narrow detail the true distinguishing features of Applicant's claim invention, with regards to e-mail reminder box in conjunction with the pay per view aspect, to reflect the subject matter as described at pages 15-20 of the specification. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique. As it is extremely well known in the networking art as already shown by Schein-Payne, for user's in a internet television programming environment to be reminder through the use of e-mail of specific televised programs through the internet as well as other claimed features of Applicant's invention. Thus, it is clear that Applicant must submit amendments to the claims in order to distinguish over the prior art use in the rejection that discloses different features of Applicant's claim invention.

Art Unit: 2756

*Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on Monday through Friday from 8:00 to 4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (703) 305-4815. The fax phone number for this Group is (703) 305-9731 or (703) 9508 (for informal or draft communications, please label "**PROPOSED**" or "**DRAFT**"). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Application/Control Number: 08/987,740

Page 7

Art Unit: 2756

**Any response to this action should be mailed to:**  
Commissioner of Patents and Trademarks  
Washington, DC 20231

**OR:**

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal  
Driver, Arlington, VA., Sixth Floor (Receptionist)

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Patent Examiner

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October 28, 2000

MEHMET B. GECKIL  
PRIMARY EXAMINER

Melt gels